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Letter dated 12 July 2013 from the Chair of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea addressed to the President of the Security Council

On behalf of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea, and in accordance with paragraph 8 of Security Council resolution 2060 (2012), I have the honour to transmit herewith the report of the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator on the implementation of paragraphs 5, 6 and 7 of that resolution and on any impediments to the delivery of humanitarian assistance in Somalia (see annex).

I would appreciate it if the present letter and its annex were brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) **Kim** Sook
Chair
Security Council Committee pursuant to resolutions 751 (1992)
and 1907 (2009) concerning Somalia and Eritrea

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Annex

Letter dated 1 July 2013 from the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator addressed to the Chair of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea

In accordance with paragraph 8 of Security Council resolution 2060 (2012), I have the honour to transmit the requested report on the implementation of paragraphs 5, 6 and 7 of the resolution and on any impediments to the delivery of humanitarian assistance in Somalia (see enclosure).

The humanitarian community working in Somalia wishes to advise that, as with the six previous reports, it maintains the definition of the term "implementing partner" pursuant to paragraph 5 of Security Council resolution 1916 (2010), which is as follows:

> "Implementing partner", a non-governmental organization or community-based organization that has undergone due diligence to establish its bona fides by a United Nations agency or another non-governmental organization, and that reports when requested to the Resident and Humanitarian Coordinator for Somalia on mitigation measures. Implementing partners have the following characteristics:
>
> (a) The organization is part of the consolidated appeals process for Somalia or the common humanitarian fund process; and/or
>
> (b) The organization is represented in a cluster's 3W matrix (*Who* does *What* and *Where*).

I remain available should you have any questions about the content of the report or need further clarification on the humanitarian situation in Somalia.

(*Signed*) Valerie **Amos**
Under-Secretary-General for Humanitarian Affairs
and Emergency Relief Coordinator

Enclosure

Report of the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator

Introduction

1. The present report is the second submission pursuant to Security Council resolution 2060 (2012), the successor resolution to resolutions 1972 (2011) and 1916 (2010), in which the Council first established the reporting requirement, and the seventh submission in total pursuant to those resolutions. In paragraph 8 of resolution 2060 (2012), the Council requested the Emergency Relief Coordinator to report to it by 20 July 2013 on the implementation of paragraphs 5, 6 and 7 of the resolution and on any impediments to the delivery of humanitarian assistance in Somalia, through the support of United Nations agencies and humanitarian organizations having observer status in the General Assembly that provide humanitarian assistance in Somalia.

2. The present report covers the period from November 2012 to June 2013. It focuses primarily on the regions of Somalia affected by Al-Shabaab, which was listed, pursuant to paragraph 8 of Council resolution 1844 (2008) by the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea, on 12 April 2010.

3. As in the six previous reports (S/2010/372, S/2010/580, S/2011/125, S/2011/694, S/2012/546 and S/2012/856), the present report outlines constraints to humanitarian access and their operational implications, in addition to the mitigation measures put in place to address the politicization, misuse and misappropriation of humanitarian assistance. It is based on information gathered in a survey of relevant humanitarian agencies and clusters active in Somalia and information from the Risk Management Unit in the Office of the United Nations Resident and Humanitarian Coordinator for Somalia.

Security situation

4. During the reporting period, the risks associated with the delivery of humanitarian assistance in Somalia remained high. The continued military gains by the Somali National Armed Forces supported by the African Union Mission in Somalia notwithstanding, only a small fraction of southern and central Somalia is under the full control of the Federal Government of Somalia. In March, Al-Shabaab took control of the town of Xuddur, Bakool region, following the withdrawal of the Ethiopian National Defence Forces, marking the insurgents' first territorial gain in several months and raising concern for the protection of civilians and humanitarian workers. Reprisal attacks by Al-Shabaab led to the displacement of 2,500 civilians, arrests on allegations of affiliation to the Somali and Ethiopian armed forces and the killing of an elder. Instability in southern Somalia was further fuelled by disputes over the creation of regional administrations, notably "Jubaland". In May, the security situation in Kismaayo (Lower Juba region) deteriorated into full-blown fighting between two rival political groups, Ras Kamboni and forces loyal to Iftiin Xasan Baasto, killing some 14 civilians and wounding another 30.

5. The reporting period also saw a continuation of increased levels of asymmetrical warfare and targeted assassinations of government officials, police officers, soldiers, civilians and humanitarian workers. The number of incidents relating to improvised explosive devices continued to rise. Al-Shabaab carried out complex coordinated attacks using suicide attackers on the High Court and a Turkish Red Crescent vehicle on 14 April and on the United Nations common compound in Mogadishu on 19 June. The latter targeted United Nations humanitarian and development workers, whose work Al-Shabaab denounced as anti-Muslim and part of government counter-insurgency activities in a media statement in which it claimed responsibility for the attack. The threat of kidnapping of humanitarian personnel in Somalia remained high.

Humanitarian response, access constraints and operational implications

6. Humanitarian actors continued to respond to the 2.7 million people in need of lifesaving assistance or livelihood support. Since the beginning of 2013, almost 520,000 people have been reached with food security interventions; 189,000 malnourished children have been reached with nutrition activities; 136,000 people have been reached with essential health services; 170,000 people have been assisted with access to sustainable water; and 576,000 schoolchildren have been reached with education support. Given that pressure is mounting to support the return of the country's 1 million refugees to the region, in addition to 1.1 million internally displaced persons, humanitarian organizations are putting measures in place to ensure that returns are voluntary and safe. In camps for the internally displaced in Mogadishu, persons known as "gatekeepers" continued to control assistance flows and hinder access to aid. A polio vaccination campaign targeting 4 million people was hindered by restricted access to children in areas controlled by Al-Shabaab in southern and central Somalia. The campaign was launched partly to respond to the first polio outbreak since polio was eradicated in 2007. The first cases were confirmed in Mogadishu in May. Lastly, improved access and the opening of new roads allowed humanitarian actors to reach people in some areas that were recently brought under the control of government and allied forces, such as Afmadow, Kismaayo, Baidoa, Marka and Jawhar. Insecurity and the lack of effective local administrations, however, remain a major impediment to conducting efficient humanitarian response operations. Efforts to ensure that assistance reaches the most vulnerable were further limited by difficulties in setting up effective monitoring systems in those areas. The humanitarian leadership in Somalia is looking for ways to respond effectively and enhance accountability in all areas of southern Somalia while improving sharing of information with donors.

Risk mitigation measures

7. The Risk Management Unit established a number of key functions and support mechanisms: an information-sharing platform to share and collectively manage risk; monitoring and surveillance to enhance aid effectiveness and verify information; formulation of risk analysis and risk mitigation recommendations; investigation support to respond to risk under a memorandum of understanding with the Office of Internal Oversight Services (OIOS), which has resulted in the placement of an investigations liaison officer within the Unit; and training, outreach and support to provide education, raise awareness and encourage greater transparency and accountability.

8. The Unit's Contractor Information Management System database contains information on programming valued at more than $490 million and on more than 1,200 partners. Using the database, the Unit is able to flag areas of concern and track relationships between vendors and partners. Twelve United Nations agencies have contributed to the database and three more are due to sign up. The Unit has also developed common minimum standards for due diligence. They have been sent to all United Nations agencies, some partners and donors and include a declaration of conflict of interest and a declaration of non-support for a designated entity. These minimum standards and declarations are essential in identifying and managing risk. Another key issue identified by the Unit relates to contractual legal processes. To effectively address diversion and fraud, full adherence to common standards by all partners is required and sharing of information is vital.

9. A risk analysis conducted by the Unit identified risks relating to operations in Somalia, including reputational risk, fiduciary risk, misappropriation of assistance, partner management, programme management, corruption and fraud. During the reporting period, reputational risk was identified with regard to a private security company seeking to obtain United Nations contracts in an effort to consolidate its presence in Somalia. The Unit and OIOS are also undertaking risk analysis and investigation of contracts valued at more than $28 million. Evidence of fraud and diversion were identified in relation to two implementing partners (non-governmental organizations) and preliminary advisory reports were provided to the relevant United Nations agencies. The risk assessment and investigations work undertaken to date by OIOS and the Unit have identified instances in which more than 60 per cent of contract value has been diverted. Indeed, in one case relating to a non-United Nations programme (a direct donor-funded activity), it is possible that 100 per cent of funding has been diverted by the implementing partner. With the investigation continuing, information relating to the case has been provided to the relevant donor. Patterns of fraudulent behaviour and modus operandi are being identified, which in some cases include the complete fabrication of vendors, subcontracting partners or entities.

10. With increased access, the increased capacity of the Unit and all partners aiming to implement the operational objective on accountability contained in the consolidated appeal for Somalia for the period 2013-2015, the Unit expects more cases involving fraud, diversion or misappropriation of assistance to be identified. With the risk reporting, monitoring and surveillance results of the Unit highlighting high incidences of misuse of funds, the Unit signed a memorandum of understanding with OIOS for it to provide further investigation support. It is therefore vital that United Nations entities continue to ensure that all subcontracting partner information is provided by their implementing partners and vendors. The Unit is also providing support to a number of external entities, which is expected to improve accountability further. At the request of the Government, the Unit will be assisting with the development of due diligence mechanisms for the Government, in addition to providing risk management training and assistance in the development of government monitoring and investigation capacity. The Unit has been supporting the Somalia NGO Consortium and a number of international partners and donors.

11. Feedback from organizations operating in Somalia indicates that they implement a number of mitigation measures to avoid politicization, misuse and misappropriation of aid or funds, including due diligence so that partners can operate without political bias; complaints mechanisms; remote monitoring via

telephone; verification of transfer agents according to official lists; a range of quality-assurance activities to prevent aid diversion and manage risk, such as third-party verification; triangulation of qualitative data; a harmonized approach to cash transfers; a strengthened project cooperation agreement management system; third-party monitoring; assessment of implementing partners before partnership approval; and screening of partners according to regulations. United Nations agencies with significant humanitarian interventions in Somalia recorded limited instances of politicization of humanitarian aid or substantiated misuse of funds and aid during the reporting period. In addition, survey respondents noted limited numbers of incidents of politicization, misuse and misappropriation during the reporting period.

Impact of paragraphs 5 to 9 of resolution 2060 (2012)

12. Paragraph 7 of resolution 2060 (2012) provides that for a period of 12 months the obligations imposed on Member States in paragraph 3 of resolution 1844 (2008) are not to apply to the payment of funds, other financial assets or economic resources necessary to ensure the timely delivery of urgently needed humanitarian assistance in Somalia. While organizations surveyed for the present report did not explicitly comment on the impact of paragraphs 5 to 9 of resolution 2060 (2012) on their ability to implement programmes, non-renewal of the humanitarian exemption would result in delays in delivering humanitarian assistance in areas controlled by non-State armed groups.

Conclusion

13. Humanitarian organizations continue to face impediments while delivering aid in Somalia and Al-Shabaab continues to obstruct a number of humanitarian activities, such as vaccinations, in areas under its control. Humanitarian agencies continue to deliver support to people using local partners. Owing to the implementation of enhanced due diligence measures by the Unit, the ability of the humanitarian community to identify and redress misuse and diversion of assistance has significantly increased. Improved access in southern Somalia is further expected to enhance organizations' ability to be accountable through improved monitoring, which will serve as an important deterrent to the misuse of funds, with further effective mitigation measures being introduced.

14. In the light of the foregoing, the Emergency Relief Coordinator invites the Security Council to renew the humanitarian exemption provided in paragraphs 7 and 8 of resolution 2060 (2012).